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## NOTICE OF ALLOWANCE AND FEE(S) DUE

30678 7590 07/03/2008

CONNOLLY BOVE LODGE & HUTZ LLP  
1875 EYE STREET, N.W.  
SUITE 1100  
WASHINGTON, DC 20036

EXAMINER

BROOKS, SHANNON

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/03/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,977

06/14/2005

Mikko Rinne

27592-00432

5578

TITLE OF INVENTION: METHOD, DEVICE, BASE STATION AND SYSTEM FOR DIRECT UPLINK ACCESS IN A MOBILE COMMUNICATIONS NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	10/03/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

30678 7590 07/03/2008

**CONNOLLY BOVE LODGE & HUTZ LLP**  
1875 EYE STREET, N.W.  
SUITE 1100  
WASHINGTON, DC 20036

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,977 06/14/2005 Mikko Rinne 27592-00432 5578

TITLE OF INVENTION: METHOD, DEVICE, BASE STATION AND SYSTEM FOR DIRECT UPLINK ACCESS IN A MOBILE COMMUNICATIONS NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1440 \$300 \$0 \$1740 10/03/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
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BROOKS, SHANNON 2617 455-452100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,977	06/14/2005	Mikko Rinne	27592-00432	5578
30678	7590	07/03/2008	EXAMINER	
CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20036			BROOKS, SHANNON	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 07/03/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 73 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 73 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/538,977

Applicant(s)

RINNE, MIKKO

Examiner

SHANNON R. BROOKS

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/8/08.
2. ☒ The allowed claim(s) is/are 1-3,5-12,15,16,25-36 and 38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Shannon R. Brooks/  
Examiner, Art Unit 2617

**DETAILED ACTION**

1. This is in response to the Applicant's arguments and amendments filed on 4/8/08.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeff Gluck (Registration No. 44,457) on 6/3/08.

The application has been amended as follows:

Please replace **Claim 1** with the currently amended as follows:

1. (Currently Presented) A method for a system comprising a communications device and a communications network, the method comprising:

allocating, by the communications network, at least a direct cell access channel for the communications device for uplink access to the communications network, the direct cell access channel to permit the communications device to directly start sending user data on the direct cell access channel without requesting access resources when user data is available to send;

providing an alternative uplink transmission mechanism for the communication device to send data to the communications network if the direct cell access channel cannot be provided;

determining by the communications network conditions when ~~whether~~ the direct cell access channel is available for use at a given time; ~~and~~

providing the communications device with a periodic availability message indication of the availability for use of the direct cell access channel during said conditions; and

Deleted: broadcast

permitting reception of a transmission from the communications device without a channel request during said availability.

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Please replace **Claim 6** with the currently amended as follows:

6. (Currently Presented) A method according to claim 5, wherein said providing a periodic availability message ~~indicating whether the communications device can directly start sending on the direct cell access channel~~ is carried out on a network layer (Layer 3) of the protocol stack.

Please replace **Claim 7** with the currently amended as follows:

7. (Currently Presented) A method according to claim 1, wherein said providing a periodic availability message is performed by sending a broadcast message to a set of communications devices including said communications device.

Please replace **Claim 9** with the currently amended as follows:

9. (Currently Presented) A method according to claim 1, wherein said providing a periodic availability message is performed by sending a multicast message to a limited set of communications devices including said communications device.

Please replace **Claim 10** with the currently amended as follows:

10. (Currently Presented) A method according to claim 1, wherein said providing a periodic availability message is performed by sending a point-to-point message to the communications device.

Please replace **Claim 15** with the currently amended as follows:

15. (Currently Presented) A base station of a communications network, comprising:

means for allocating at least a direct cell access channel to a communications device, the direct cell access channel to enable the communications device to directly start transmitting data on the direct cell access channel without first requesting access resources when the communications device has data to be sent;

means for providing an alternative cell access mechanism for the communications device for uplink access to the communications network if the direct cell access channel cannot be provided;

means for determining by the communications network conditions when ~~whether~~ the direct cell access channel is available for use at a given time; ~~and~~

means for providing the communications device with a periodic availability message indication of the availability for use of the direct cell access channel during said conditions; and

Deleted: broadcast

means for permitting reception of a transmission from the communications device without a channel request during said availability.

Please replace **Claim 16** with the currently amended as follows:

16. (Currently Presented) A system comprising a communications device and a communications network, the communications network comprising:

means for allocating at least a direct cell access channel to a communications device, the direct cell access channel to enable the communications device to directly start transmitting data on the direct cell access channel without first requesting access resources when the communications device has data to be sent;

means for providing an alternative cell access mechanism for the communications device for uplink access to the communications network if the direct cell access channel cannot be provided;

means for determining by the communications network conditions when ~~whether~~ the direct cell access channel is available for use at a given time; ~~and~~

means for providing the communications device with a periodic availability message indication of the availability for use of the direct cell access channel during said condition Please replace Claim 1 with the currently amended as follows s; and

Deleted: broadcast

means for permitting reception of a transmission from the communications device without a channel request during said availability; and



the communications device comprising:

means for receiving said indication.

Please replace **Claim 26** with the currently amended as follows:

26. (Currently Presented) An apparatus, comprising:

a module to allocate to a communications device at least a direct cell access channel to permit the communications device to directly start sending uplink data to a communications network on the direct cell access channel without requesting access resources when uplink data is available to send;

a module to provide to the communications device an alternative cell access mechanism for uplink access to the communications network when the direct cell access channel cannot be provided; and

a determination module to determine conditions when ~~whether~~, at a given time, the direct cell access channel can be provided; and

a transmitter to provide to the communications device a periodic availability message indication of the availability of ~~whether~~ the direct cell access channel ~~can, at a given time, be provided~~ during said conditions; and

Deleted: broadcast

a receiver to receive a transmission from the communications device without a channel request during said availability.

Please replace **Claim 28** with the currently amended as follows:

28. (Currently Presented) An apparatus according to claim 26, wherein, in a situation in which the direct cell access channel can not be provided, the apparatus is configured to indicate to the communications device that the alternate cell access mechanism should be used.

Please replace **Claim 30** with the currently amended as follows:

30. (Currently Presented) An apparatus according to claim 26, wherein said availability message ~~indicating whether the direct cell access channel can be provided~~ comprises an indication of ~~indicating~~ whether the communications device can directly start sending user data on the direct cell access channel at a high data rate.

Please replace **Claim 32** with the currently amended as follows:

32. (Currently Presented) An apparatus according to claim 31, wherein said transmitter is to provide the periodic availability message using ~~indicating whether the communications device can directly start sending on the direct cell access channel is carried out on~~ a network layer (Layer 3) of the protocol stack.

Please replace **Claim 33** with the currently amended as follows:

33. (Currently Presented) An apparatus according to claim 26, wherein the availability message comprises ~~apparatus is configured to indicate whether the direct cell access channel can be provided by transmitting~~ a broadcast message, a multicast message, or point-to-point message(s).

Please replace **Claim 34** with the currently amended as follows:

34. (Currently Presented) An apparatus according to claim 26, wherein the availability message comprises ~~apparatus is configured to indicate whether the direct cell access channel can be provided by transmitting~~ a broadcast message, and wherein said broadcast message contains a parameter value restricting a set of communications devices to which the message is to be transmitted.

Please replace **Claim 35** with the currently amended as follows:

35. (Currently Presented) An apparatus according to claim 26, wherein the availability message comprises ~~apparatus is configured to indicate whether the direct cell access channel can be provided by transmitting~~ a message comprising a parameter value indicating whether the direct cell access channel is enabled.

**Cancel Claims 13, and Claims 17-25.**

*Allowable Subject Matter*

After further search and through examination of the present application and in view of the applicant's arguments and Examiner's amendments, claims 1-3, 5-12, 15-16, 26-36, and 38, renumbered as 1-25, are found to be in condition for allowance.

The following is an examiner's statement for allowance: the cited prior art fails to teach:

determining by the communications network conditions when the direct cell access channel is available for use at a given time. The prior art (Suzuki) teaches instead determining by the network when a potential access channel may be selected by the network and presented to the mobile for acceptance or denial based upon a separate analysis by the mobile.

providing the communications device with a periodic availability message indication of the availability for use by the direct cell access channel during said conditions. The prior art (Suzuki) teaches instead providing an indication of a possible availability which may be accepted or denied by the mobile.

Any comments considered necessary by the Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon Brooks whose telephone number is (571) 270-1115. The examiner can normally be reached on 7:30a.m. to 5p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

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free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Shannon R. Brooks/

Examiner, Art Unit 2617

Shannon Brooks

June 10, 2008

/Nick Corsaro/

Supervisory Patent Examiner, Art Unit 2617